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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-first session

SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 29 November 1999, at 10.a.m.

Chairperson: Mrs. BONOAN-DANDAN

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GE.99-45987 (E)

The meeting was called to order at 10.05 a.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3) (continued)

Draft general comment on article 13 (Right to education) (continued)

1. The CHAIRPERSON stressed that the meeting was being held, not in the context of a day of discussion, but rather as a follow-up to the November 1998 day of general discussion, with a view to adopting the draft general comment while taking into account the comments of the invited speakers. The lengthy process that was culminating in the adoption of the draft general comment had begun with the conducting of informal and formal consultations with agencies and independent experts and the convening of informal workshops. The Committee had since engaged in two preliminary discussions in closed meetings at the current session. A working group had been set up, comprising Mr. Hunt, Mr. Ceville, Mr. Riedel and Mr. Pillay, assisted by Ms. Arambolo of the secretariat. The purpose of the current meeting was, not to engage in lengthy discussion of policy issues which had already been discussed, but to adopt the report. After expressing the Committee's thanks to all the specialized agencies and individual experts for their valuable contributions and to the working group, which had taken them all into account in producing the draft currently before the Committee, she gave the floor to Mr. Hunt to introduce the final draft text.

2. Mr. HUNT (Rapporteur for the draft general comment) said that following the informal and formal consultations and preliminary discussions, the working group had met six times during the previous week to process the comments that had been made. Each sentence and phrase, and sometimes individual words, had been painstakingly reviewed. Although the text had not been formally adopted by the working group, he was convinced that it reflected its members' wishes.

3. All new formulations had been placed in italics to facilitate the Committee's task. Words in block capitals were merely commentaries and not part of the final text. The working group's main task had been to shorten the text, and in that it had succeeded, reducing it from the 90 paragraphs of the original text and the 77 of the previous draft to 60 paragraphs. However, where possible the original paragraph numbers had been retained for ease of reference.

4. The working group had quite rightly focused on the length of the text. He was confident that there was no more fat to be trimmed; any further trimming would cut into the muscle and bone of the text, removing substance and jeopardizing its integrity. The working group had adhered to the structure approved by the Committee: normative content - the most important component; States parties' obligations; and violations.

5. The CHAIRPERSON endorsed Mr. Hunt's view that the text should not be further trimmed. She asked representatives of organizations that had already submitted written comments to limit their statements to general observations and submit any specific comments to Mr. Hunt. She opened the floor to the representatives of the United Nations specialized agencies.

6. Mr. SMYTH (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that the Committee's work was important to UNESCO for two reasons: first, because of the intrinsic importance of the Covenant, and second, because of the changes that had occurred in the world since its adoption, making for a continuous need for up-to-date interpretations. The concepts of basic and lifelong education were not to be found in the Covenant, but were a prominent feature of current educational discourse. The draft general comment was totally in line with UNESCO's thinking, and he appreciated the Committee's efforts to situate the Covenant in the current context so as to avoid any risk of its becoming obsolete. True, the text was long, but so was article 13, and education now played a much more important role in national policies and resource allocation than it had in the 1960s.

7. Every paragraph of the draft general comment must be crystal-clear. One apparent lacuna was the question of the effectiveness of education, which had been the focal point of the World Declaration on Education for All issued by the UNESCO 1990 Jomtien Conference on Education for All. Member States had felt that education was all too often an ideal and not an effective reality, in situations in which books were unavailable, teachers unpaid, and teaching-training conditions abysmal. UNESCO would like to see that point highlighted in the general comment.

8. Given that article 26 of the Universal Declaration of Human Rights made reference to education in its fundamental stages, it must be recognized that while States parties placed emphasis on basic education, there were still huge numbers of illiterate adults in the world. Minorities too, were a delicate and sensitive issue, the problem being that their educational demands often became a political issue in Member States and led to real disagreement. Whatever the Committee could do or say to clarify rights in that domain would be very helpful to UNESCO in its replies to requests from minorities for interpretations.

9. Lastly, UNESCO did its utmost to comply with article 8 of its Constitution, which required it to monitor the development of education by obtaining reports and statistics from its Member States. He thus welcomed the emphasis placed on monitoring in the draft general comment; for Member States had been quite lax in that regard over the past 20 years, and without their cooperation UNESCO could not comply with its monitoring responsibilities.

10. Mr. SWEPSTON (International Labour Organization (ILO)), commending the draft text, said that thinking on education had developed in the 23 years since the entry into force of the Covenant. He did not consider the draft text excessively long, and hoped that it would not be cut further. He suggested that fuller reference should be made to the intersecting work of the organizations of the system and the modalities for reporting on progress to the Committee, a subject touched upon in paragraph 77. In that same paragraph the Committee might wish to comment on the effect that States parties' actions had on their ability to meet their international and bilateral assistance obligations, which could have a negative or positive effect on the enjoyment of the right to education.

11. ILO wished to see the same stress placed on technical and vocational education as the UNESCO representative had sought for continuing basic education. Perhaps, too, some reference should be made to the fact that the right to education did not mean only equal access to education, but also its adaptation to the special needs of minorities.

12. Eradication of child labour was a high priority of the United Nations and its Member States; it was thus important that education should be provided as an alternative to work. The mention in paragraph 71 A of the general comment of the ILO's 1999 Worst Forms of Child Labour Convention could perhaps also include a reference to other forms of child labour, to which access to education would make a difference.

13. The CHAIRPERSON invited representatives of the non-governmental organizations (NGOs) to take the floor.

14. Mr. NORDMANN (International Organization for the Development of Freedom of Education (OIDEL)) said it was vital that the general comment should interpret article 13 in such a way as to improve the accessibility, as well as the acceptability and adaptability, of education. Paradoxically, when parents opted for a non-public education, as they were entitled to do under article 13, paragraphs 3 and 4, of the Covenant basic education might then become inaccessible through being unaffordable. True freedom of education could not exist without the ability to finance that freedom, as had been confirmed by rulings of the French and Spanish Constitutional Courts. The role of the State was not only to respect rights but to ensure their implementation. His organization therefore recommended that the general comment should encourage States parties to take all necessary measures, including financial measures, to ensure genuine freedom of educational choice.

15. Ms. WAGENAAR (World University Service) said that her organization strongly endorsed the revised general comment, but that the obligations of Governments under article 13 should be spelt out, as their political and financial commitment was the single most important factor in ensuring that the right to education was implemented. It was also important to refer explicitly to non-discrimination, as most of those deprived of the right to education were victims of various forms of discrimination. Her organization regretted that paragraphs 39 and 40 of the previous draft had been trimmed down, as the trend towards the privatization of education was jeopardizing the right to education of poor people. Attention should be drawn to the link between private education and the right of access to education.

16. Mr. BABADJI (World Association for the School as an Instrument of Peace) said that any State party had obligations under article 2 of the Covenant to take steps "to the maximum of its available resources" with a view to achieving progressively the full realization of the rights recognized in the Covenant. In order to monitor compliance with that obligation, the Committee needed to develop measurement criteria, particularly since the Covenant was the only international instrument that dealt with the right of all people to education. In the meantime, the Committee might wish to recommend that States should make use of indicators developed by, for example, UNESCO.

17. With regard to the normative content, education should provide an ethical dimension as well as basic knowledge and skills. In that connection, he particularly welcomed paragraph 4 and new paragraph 5-7 of the draft general comment, and the contemporary interpretation of article 13 which included the ethical dimension and environmental issues. However, the obligations of States parties in respect of the educational objectives set out in article 13 needed to be more clearly spelt out; for example, there was no reference to protection of the environment in the section of the draft dealing with States parties' obligations. Moreover, States were not only

responsible under the Covenant for ridding textbooks and teaching materials of sexist and racist stereotypes, but also for ensuring that the contents of courses were in accordance with the standards it laid down. It followed that States parties should also report on the content of the education provided, both in public and in private schools.

18. Ms. LEWIS-ANTHONY (Oxfam), while strongly supporting the draft general comment as a whole, said that too much had been cut from the earlier draft. The right to education was central to individual and social development, but it was also one of the most widely violated of human rights. Education was a powerful tool for alleviating poverty, improving health and creating economic stability.

19. The first paragraph should be amended to highlight the fact that the right to education was a right that applied to every individual and was central to human dignity. With regard to private education, it was vital to monitor standards, and also to be aware of the risk that the growing privatization of education might lead to educational disparities. States needed to be reminded of their obligations to ensure that publicly-funded schools provided a good-quality education.

20. With regard to non-discrimination, a paragraph should be inserted to draw attention to poverty. While poverty was not specifically mentioned as prohibited grounds for discrimination, it could be linked to "social origin, property, birth or other status" (art. 2, para. 2). Core obligations (para. 74) should be highlighted by means of a subheading and by mentioning them earlier in the text. In the same paragraph, the wording should specify that the core obligation included the provision of "compulsory primary education free for all".

21. Finally, given the important role of the International Monetary Fund (IMF) and the World Bank as "gatekeepers" for aid and debt relief, it should be emphasized that their programmes should not undermine States' efforts to provide free primary education for all children, for example by actively encouraging the privatization of primary education.

22. Mr. KALENDE (New Humanity) drew attention to the obstacles that prevented millions of children, mostly in the developing countries, from enjoying access to primary education. In rural areas, if there was a school at all it was often so remote that not all children – especially girls – were able to get there. If the State or the parents were not able to pay teachers' salaries, children also had to stay at home. Such problems lowered the quality of teaching, which in turn contributed to juvenile delinquency and wider social problems.

23. For millions of children in developing countries the right to free primary education was not a reality. While States were making efforts to fund public schools, in some places only private schools existed, and they too needed public funding. At the same time, the existence of private schools was in itself proof that education was a matter for civil society as a whole. He called for solidarity between nations and individuals to ensure that all children received a good education, and that schools were set up where needed, especially in rural areas.

24. Ms. COQUOZ (International Montessori Association) said her organization believed that children had a right to be recognized as persons in their own right as well as a right to an education that helped rather than hindered their development; and that parents had a right to

choose an education for their children in accordance with their convictions. In accordance with Montessori teaching principles, education should be based on freeing the potential in every individual as a means of indirectly improving society as a whole. Accordingly, the first nine years of life were the most important in the formation of the child's personality and social skills.

25. At the invitation of the Chairperson, a representative of the University of Geneva took a place at the Committee table.

26. Mr. MALINVERNI (University of Geneva) said the emphasis in the first paragraph on education as a way out of poverty and on adult education was perhaps misplaced. The prime objective of education, according to article 13, was the full development of the human personality, and the right to education was primarily a children's right. With regard to physical accessibility, some distinction needed to be drawn between accessibility at primary, secondary and university levels, as the same requirements could not be imposed at all three levels.

27. States parties had an obligation progressively to introduce free secondary education, but no time limit was applied to that requirement: perhaps they could be encouraged to do so within a certain period after their ratification of the Covenant. In that connection, he suggested that paragraphs 57 and 58 of the draft could be merged with paragraph 20.

28. In paragraph 38, the liberty of parents or guardians to choose schools other than those established by the public authorities was incorrectly cited as the "second" element of article 13, paragraph 3, when it was actually the first: the draft should be amended accordingly. The draft general comment did not mention the right of parents, set forth in that same provision, to choose education for their children in accordance with their own religious convictions. That point should be developed in the general comment, as should the problem of children's right to choose their own religious education. Up to what age could parents make such a choice on the child's behalf? In that regard, it might be possible to invoke the provisions of other instruments such as the Convention on the Rights of the Child.

29. Article 2, paragraph 1, of the Covenant referred to each State party taking steps to the maximum of its available resources. In that context, the proposal to include a reference to indicators in the text might be followed up. Finally, although the Covenant did not refer specifically to education for minority groups, mention should be made of that subject in the general comment.

30. Mr. SADI, reacting to some of the points made in the discussion, asked whether UNESCO considered the encouragement of analysis and independent thinking, rather than the memorization of facts, as examples of "effective" education. With regard to minority rights, the problem was to determine how large a minority had to be before the State was expected to gear the educational system to its needs. While he agreed that monitoring should be strengthened, it was difficult for the Committee to monitor observance of the Covenant if there were no NGOs in the field supplying information. Perhaps the specialized agencies could help in that respect, by attending meetings at which reports of the States parties were being considered. He agreed with the representative of New Humanity that the problems of educational needs in rural areas could be highlighted; and also that private schools, which relieved Governments of some of the burden of providing education, should receive some form of State support.

31. Mr. RIEDEL said that the contributions to the debate by the specialized agencies and NGOs had enabled the Committee to adopt a dynamic approach to its interpretation of article 13. In that respect, it should be borne in mind that the article had been drafted in the 1950s and adopted in the 1960s. If the text of the general comment were shortened any further, it would not adequately reflect the contributions made. As general comments were intended for the express guidance of States parties, the Committee must proceed with great circumspection. The general comment was a legal document, not a policy document for the free development of educational ideas.

32. The draft general comment embodied most of the key proposals that had been raised. It was necessary to be very specific: for example, any reference to minority rights must be carefully worded and the key areas of concern identified. In that regard, emphasis could be placed on the comments made by the representative of UNESCO regarding the effectiveness of education. Similarly, further to the remarks made by the representative of ILO, the Committee should consider the effects of the measures adopted by other United Nations bodies. The reference to the worst cases of child labour in paragraph 71 A of the draft general comment might also be expanded to include mention of more general instances of child labour.

33. Mrs. JIMÉNEZ BUTRAGUEÑO drew attention to a document relating to the implementation of international legal instruments in Spain, according to which the Spanish Constitutional Court had specifically invoked article 13 of the Covenant in its rulings concerning the constitutionality of educational legislation enacted in 1980 and 1985. In 1987 the Supreme Court had declared a Ministerial Order of 12 March 1984, giving preference to the granting of financial assistance to pupils studying in State-funded schools to be null and void, on the grounds that it discriminated against pupils studying in private schools and violated the right of parents to choose their children's education, provided for under article 13 (3) of the Covenant.

34. Mr. ANTANOVICH said that the comments made by the specialized agencies and NGOs should be taken into account in the general comment. The particular issue of the functional illiteracy of adults, should be viewed in broader terms. Many people had experienced and would continue to experience difficulties in adapting to the demands of new technology such as the Internet. States parties should therefore take account of those difficulties when adapting their educational reforms to the requirements of such technology.

35. Mr. PILLAY, speaking on behalf of the working group, said that the task of drafting a general comment on article 13 of the Covenant had been especially difficult. While not perfect, the draft text agreed on provided clear interpretations of article 13.

36. Mr. CEVILLE said that the general comment as currently drafted covered all the aspects raised by the working group in its consideration of article 13 together with the comments made by the specialized agencies and NGOs. The draft could perhaps be expanded somewhat, having due regard to the Committee's mandate.

37. The CHAIRPERSON invited Committee members to begin consideration of the draft general comment paragraph by paragraph, with a view to its adoption.

38. Mr. HUNT (Rapporteur for the draft general comment) said that the language of article 13, which had been drafted 40 to 50 years previously, needed to be interpreted so as to make it more meaningful to present day-readers. The indicators and benchmarks proposed by the representative of ILO could be discussed at a later date. The working group could meet at a mutually convenient time to consider the issues raised in the current discussion.

Paragraph 1

39. Mr. HUNT (Rapporteur for the draft general comment) said that the words "adults and children" should perhaps be amended to read "children and adults". The idea of personal fulfilment was clearly implied in the last sentence of the paragraph.

40. Mrs. JIMÉNEZ BUTRAGUEÑO said that the word "emancipación", did not equate to the English term "empowering".

41. Mr. HUNT (Rapporteur for the draft general comment), clarifying the content of the paragraph, said that the second sentence referred to both males and females, while the third sentence highlighted the specific relevance and utility of education and should be read in the light of the general nature of the second sentence.

42. Mr. GRISSA said that the last sentence served no useful purpose.

43. The CHAIRPERSON said that the comments made would be borne in mind by the working group in its formulation of the final version of the general comment.

44. Paragraph 1 was adopted.

Paragraph 2

45. Paragraph 2 was adopted.

Paragraph 3

46. Mr. HUNT (Rapporteur for the draft general comment) said that the text of paragraph 64 from the original draft had been transposed to paragraph 3 since it helped to clarify the basic structure of the ensuing general comment. Part I - the heart and by far the most detailed part of the general comment - concerned the normative content of article 13; whereas part II was deliberately more illustrative in nature, referring only to some of States parties' obligations and possible violations thereof.

47. Following an editorial query by Mr. GRISSA and comments by Mr. RIEDEL, the CHAIRPERSON urged Members to direct their editorial queries and amendments to the Rapporteur, with a view to expediting the proceedings.

48. Paragraph 3 was adopted.

Part I. Normative Content of Article 13

Article 13 (1): Aims and objectives of education

Paragraph 4 and former paragraphs 5-7

49. Mr. HUNT (Rapporteur for the draft general comment) said that the two paragraphs - paragraphs 5 to 7 of the original draft having been compressed into one paragraph - were intended to clarify the meaning of article 13 , paragraph 1, primarily by referring to relevant international agreements.

50. Paragraph 4 and former paragraphs 5-7 were adopted.

Article 13 (2): The right to receive an education - some general remarks

Former paragraphs 8-10

51. Mr. HUNT (Rapporteur for the draft general comment) said that the approval of the four basic concepts of availability, accessibility, acceptability and adaptability as defined in subparagraphs (a), (b), (c) and (d) respectively was essential since they applied to article 13, paragraph 2, as a whole. As indicated by footnote No. 3, the analytical approach resembled that adopted by the Committee in other general comments and was also based on the preliminary report to the Commission on Human Rights by the Special Rapporteur on the right to education.

52. Mr. SADI said that under subparagraph (b) concerning accessibility, some mention ought to be made of the importance of safety, in view of the hazardous journeys many schoolchildren in developing countries had to undertake as they walked to and from school along busy roads.

53. Mr. RIEDEL endorsed Mr.Sadi's suggestion and stressed the importance of footnote No. 3. It was iintended to provide States parties with a better understanding of the Committee's working methods and also to build up the Committee's jurisprudence. The approach had been adopted for the first time in connection with the general comment on the right to food and would be pursued in the Committee's next general comment, on the right to health.

54. Mr. SMYTH (United Nations Educational, Scientific and Cultural Organization (UNESCO)), referring to subparagraph (a) on the definition of availability, suggested that the words "in sufficient quantity" should be followed by "and appropriate quality" in conformity with article 4 of the World Declaration on Education for All.

55. Mr. HUNT (Rapporteur for the draft general comment) said it would be more appropriate to take up UNESCO's suggestion under subparagraph (c), which contained a definition of acceptability. In that connection, he drew attention to the fact that the working group had deemed it necessary to add the words "culturally appropriate" to the definition, in recognition of the need for education that suited the special requirements of minority groups.

56. Mr. SADI asked what criteria were to be used in determining whether education was acceptable to students. Perhaps States parties would welcome some guidance on the subject.

57. The CHAIRPERSON said that while it was incumbent upon the Committee to interpret the legal provisions, the policies adopted to fulfil them were clearly the prerogative of States parties.

58. Mr. HUNT (Rapporteur for the draft general comment) said it might be more appropriate to follow up Mr. Sadi's latter suggestion under part II of the general comment concerning States parties' obligations.

59. The CHAIRPERSON said that if she heard no objection she would take it that the Committee wished to adopt former paragraphs 8-10 on the understanding that suggestions made regarding subparagraphs (b) and (c) by Mr. Sadi and the representative of UNESCO would be followed up by the working group.

60. It was so decided.

Paragraph 11

61. Paragraph 11 was adopted.

Article 13 (2) (a): The right to primary education

Paragraphs 12, 13 and 14

62. Paragraphs 12, 13 and 14 were adopted.

Article 13 (2) (b): The right to secondary education

Paragraph 15, former paragraphs 16-17 and 18 19, and paragraph 20

63. Paragraph 15, former paragraphs 16-17 and 18-19, and paragraph 20 were adopted.

Paragraph 21 and former paragraphs 22-23

64. Mr. HUNT (Rapporteur for the draft general comment) suggested that consideration of the paragraphs should be deferred pending examination by the working group of alternative wording for paragraph 21 proposed by the ILO representative.

65. It was so agreed.

Article 13 (2) (c): The right to higher education

Paragraph 24, former paragraphs 25-26 and paragraphs 27 and 28

66. Paragraph 24, former paragraphs 25-26 and paragraphs 27 and 28 were adopted.

Article 13 (2) (d): The right to fundamental education

Paragraphs 29, 30, 31 and 32

67. Paragraphs 29, 30, 31 and 32 were adopted.

Article 13 (2) (e): A school system; adequate fellowship system; material conditions of teaching staff

Paragraphs 33, 34 and 35

68. Mr. HUNT (Rapporteur for the draft general comment) pointed out that the third sentence of paragraph 35 had been slightly amended in response to a suggestion by ILO to strengthen and clarify the text.

69. Paragraphs 33, 34 and 35 were adopted.

Article 13 (3) and (4): The right to educational freedom

Former paragraphs 36-37

70. Mr. SADI said that in view of the number of States parties that provided instruction in a particular religion or belief the Committee should be wary of making the statement that such instruction was inconsistent with article 13 (3) of the Covenant, or should, at the very least, elaborate on the non-discriminatory exemptions or alternatives referred to in the proviso. A decision on former paragraphs 36-37 should be deferred to allow the working group time to reflect further on the very sensitive issues at stake.

71. Mr. RIEDEL said that there was currently a good deal of debate in Europe on the appropriateness and contents of religious instruction and that the European Court of Human Rights had amassed a considerable amount of jurisprudence on the subject. He agreed that some further reflection on the text was required. In particular he was unhappy with the phrase "in a neutral or objective way". Perhaps the working group might consider incorporating a reference to article 13 (1) regarding the contents of religious instruction.

72. The CHAIRPERSON, speaking as a member of the Committee, said that she too had some misgivings about the current wording and was in favour of deferring a decision to allow for further reflection.

73. Mr. HUNT (Rapporteur for the draft general comment) pointed out that the current wording reflected the jurisprudence of the Human Rights Committee and the European Convention on Human Rights. However, it had already given rise to some concern: the working group had received a proposal for alternative wording from an NGO, which had been circulated in the meeting room for participants' information.

74. The CHAIRPERSON said that, if she heard no objection, she would take it the Committee was in favour of deferring consideration of former paragraphs 36-37.

75. It was so decided.

Paragraph 38

76. Mr. SADI said that no reference had been made in paragraph 38 to the importance of supporting private schools, without which States parties would be solely responsible for the education of all students.

77. Mr. HUNT (Rapporteur for the draft general comment) said that although Mr. Sadi's point was very relevant, it should be taken up under part II of the general comment, dealing with States parties' obligations.

78. Mr. RIEDEL endorsed Mr. Hunt's comment and stressed the importance of adhering to the basic structure of the draft general comment, in line with the guidelines prepared by the secretariat on the subject.

79. Paragraph 38 was adopted.

Former paragraphs 39-40

80. Mr. HUNT (Rapporteur for the draft general comment) suggested that consideration of former paragraphs 39-40 should be deferred, pending examination by the working group of a suggestion forwarded to him during the meeting.

81. It was so agreed.

Article 13: Special topics of broad application

Paragraphs 41-56

82. Mr. HUNT (Rapporteur for the draft general comment) said the section was intended to deal with those general topics which warranted further consideration, including non-discrimination, academic freedom, discipline in the schools and issues relating to article 4 of the Covenant. In order to avoid a detailed definition of non-discrimination, paragraph 41 covered the main issues at stake by referring to a number of relevant treaties. The various aspects of non-discrimination to be taken into consideration (affirmative action; separate schools; schooling for non-nationals without legal status; imbalance between spending on schools in urban and rural areas; disabilities; older persons; monitoring and data disaggregation - essential for compliance with article 2, paragraph 2 and article 3 of the Covenant) had been addressed separately, for ease of reference, in paragraphs 42 to 47. However, those paragraphs could be merged as necessary. There had been some debate in the working group as to whether such matters might be more appropriately dealt with in a full-fledged general comment on the subject of non-discrimination. In the end, the general view had seemed to be that given their importance

to education such matters must be mentioned in the general comment on article 13, although the Committee should also give serious thought to the possibility of drafting a general comment on non-discrimination in the near future.

83. Mr. RIEDEL said he did not believe that paragraphs 41-47 could be condensed any further. They constituted the absolute minimum required in a general comment on the right to education with respect to non-discrimination. He agreed on the importance of article 2, paragraph 2 and article 3 of the Covenant - a matter all too frequently overlooked by many States parties. He endorsed the overall approach to the issue adopted by the Rapporteur, which he would endeavour to follow when drafting the next general comment, on the right to health. He agreed on the need for the Committee to draft a separate general comment on the issue of non-discrimination at some time in the future.

84. Mr. SMYTH (United Nations Educational, Scientific and Cultural Organization (UNESCO)) asked whether it might be possible to incorporate in the section on non-discrimination a reference to the promotion of equal opportunities in education as highlighted by article 4 of the UNESCO Convention against Discrimination in Education. That would place the whole discussion of non-discrimination in a more positive perspective.

85. The CHAIRPERSON said that the Committee would continue its consideration of the draft general comment at its next meeting.

The meeting rose at 1 p.m.